IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.548 OF 2003
IN
WRIT PETITION NO.4350 OF 2002

Parwati Maruti Shinde & Ors. ... Applicants

V/s.

Asha Kailash Shinde ... Respondents

Mrs.Veena B. Thadani for Applicants
Ms.Smita Mane for Respondent No.1

CORAM: **H.L. GOKHALE &**
SMT.NISHITA MHATRE, JJ.

DATED: **SEPTEMBER 30, 2004**

P.C.:

. Heard Mrs.Thadani appearing for the applicants and Ms.Mane for Respondent No.1.

2. After hearing both the learned Counsel, we do not think that there is any case for reduction of the monthly compensation. The application is therefore, rejected. Ms.Mane, appearing for Respondent No.1, states that by the end of September 2004, the arrears due to Respondent No.1 have mounted to Rs.2,60,000/-. She submits that this amount should be cleared with some appropriate interest. The second applicant is present. Mrs.Thadani has taken instructions from him. She states on instructions that this amount of Rs.2,60,000/- with a

further amount of Rs.10,000/-, which should be construed as interest, will be cleared in the next six months. Thus, the applicants will pay Rs.45,000/- per month beginning with October, 2004 and ending by March 2005. Thus, by 15th of each of these six months, the applicants are undertaking to the Court that they shall pay arrears. They shall also pay Rs.20,000/- by 15th of each of these months towards monthly compensation and thereafter from April 2005 onwards they shall continue to pay Rs.20,000/- on 15th of each month towards monthly compensation. We make it clear that in the event of any two consecutive defaults, it will be open to Respondent No.1 to approach this Court for cancellation of this arrangement and for her to apply to take over the business of the country liquor shop.

3. In view of the understanding arrived at between the parties, Ms.Mane makes a further statement that Contempt Petition No.147 of 2003 which is moved by the Respondents herein will not be moved further until the end of March 2005.

4. Civil Application is disposed of accordingly.

(H.L. Gokhale, J.)

(Nishita Mhatre, J.)